

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-43-S – ORDER NO. 2007-782  
NOVEMBER 6, 2007

IN RE: Joint Application of J.C. Cox Utilities, Inc. and	)	ORDER GRANTING
Jacabb Utilities, LLC for Expedited Approval	)	MOTION FOR
of a Transfer of Assets; the Transfer of	)	CONFIDENTIAL
Operating Authority; and Transfer of all Sewer	)	TREATMENT
Services System without Limitations Serving	)	
Forest Hills Subdivision, Anderson County,	)	
South Carolina	)	

This matter comes before the Public Service Commission of South Carolina (Commission) on the Motion filed by Jacabb Utilities, LLC (Jacabb or utility) to treat as confidential certain information filed with the Commission in the present docket. The requested confidential treatment pertains to the filing of financial statements by Jacabb.

Pursuant to 26 S.C. Code Ann. Regs. 103-512 (Supp. 2006), a public utility operating in South Carolina under the Commission's jurisdiction must have on file with the Commission a performance bond with sufficient surety. When an individual acts as surety, as in this case, he shall file with the Commission annually a financial statement showing the individual surety's personal assets, liabilities, and net worth. As required and on behalf of Jacabb, on September 5, 2007, individual financial statements of Stephen R. Goldie, principal owner of Jacabb, were filed with the Commission. However, at that time, the financial information filed by the utility was simply marked "confidential" although no reasons were furnished as to why the statements should be held confidential.

Consequently, on September 27, 2007, the Commission issued Order No. 2007-665, which gave Jacabb ten (10) days from the date of Order No. 2007-665 to provide written justification for confidentiality to be given to the utility's filing. Accordingly, on October 5, 2007, through correspondence from the utility's counsel, Jacabb filed its motion for confidential treatment. We note that the material in question was maintained under seal by the Commission during the interim period allowed by Order No. 2007-665.

Jacabb submits in its motion that the financial information is considered private and personal and is submitted for bonding purposes only and should not be available to the public due to privacy considerations. Pursuant to Commission Order No. 2005-226, "Order Requiring Designation of Confidential Materials", issued May 6, 2005, Jacabb delineates in the Motion the material for which the confidential treatment is sought and such information was filed in a separate package clearly marked "confidential."

The South Carolina Freedom of Information Act (FOIA) allows exemption from disclosure proprietary business information that meets a definition of "personal information." S.C. Code Ann. Section 30-4-40(a)(2) states that matters which may be exempt from FOIA include: "(2) Information of a personal nature where the public disclosure thereof would constitute unreasonable invasion of personal privacy."

We find that the information for which Jacabb seeks protection as confidential falls within the definition of materials which may be exempted from disclosure under FOIA. The Commission therefore grants the motion of Jacabb and provides that the financial statements of Stephen R. Goldie, provided to the Commission on behalf of Jacabb, shall be considered proprietary and confidential and filed under seal. Jacabb

additionally requests in its motion confidential treatment of future financial statements submitted by the utility. We accord the same confidential treatment to the future filings of Jacabb, but only relative to the individual financial statements of Stephen R. Goldie. This standing order for confidentiality does not apply to any other financials that may be filed by Jacabb in the future. If such other financials are filed by the utility, the Commission will address any confidentiality issues concerning those financials at that time.

IT IS THEREFORE ORDERED:

1. The Motion of Jacabb Utilities, LLC for confidential treatment of the financial statements submitted by the utility is granted, as these are the individual financial statements of Stephen R. Goldie. The Commission and Commission Staff shall treat the materials as confidential, and such materials shall not be subject to public disclosure absent further order of this Commission. Future filings of the individual financial statements of Stephen R. Goldie shall be afforded the same treatment, but if other financials are filed by the utility, the Commission will address any confidentiality issues concerning those financials at that time.

2. This Order shall remain in full force and effect until further order of the Commission.

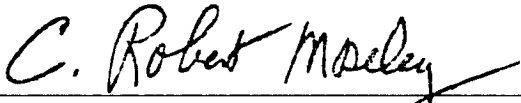
BY ORDER OF THE COMMISSION:



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G. O'Neal Hamilton, Chairman

ATTEST:



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C. Robert Moseley, Vice Chairman

(SEAL)